



Working Group on Consumer Protection in E-Commerce

Minutes first meeting 2023 – 2024

26th October 2023

The first Working Group on e-Commerce (WGE) meeting was held virtually on 26th October 2023 and was attended by 31 participants from Member States, academia, and civil society. The meeting was also partly attended by Ms. Teresa Moreira, Head of the Competition and Consumer Policies Branch and Mr. Shri Rohit Kumar Singh, Secretary, Ministry of Consumer Affairs, Food and Public Distribution of India.

Participants

Member States: **Brazil** (INMETRO), **Hungary** (Hungarian Competition Authority), **India** (Department of Consumer Affairs), **Italy** (Italian Competition Authority), **Luxembourg** (Ministère de la Protection des consommateurs), **Peru** (INDECOPI), **Poland** (Office of Competition and Consumer Protection), **Portugal** (Directorate-General for Consumer), **Republic of Korea** (Korea Consumer Agency), **Sweden** (Swedish Consumer Agency), **United Kingdom** (Competition and Markets Authority), **United States of America** (Federal Trade Commission), **Zambia** (Competition and Consumer Protection Commission).

Civil Society and Academia: MGP India, Nelson Mandela University and University of Reading.

1. General remarks:

Teresa Moreira, Head of the Competition and Consumer Policies Branch, opened the meeting. She reiterated the mandate of UNCTAD to coordinate the WGE and facilitate informal discussions, exchanges of experience, knowledge, and best practices welcomed all attendees to a new year of work on the working group.

The Head of the Competition and Consumer Policies Branch introduced some changes in the way the Secretariat would be organized to support the work of the working group. Prof. Christine Riefa was appointed as the WGE Coordinator, to provide expertise to shape outcomes and to establish a more focused agenda. The UNCTAD Secretariat will be supporting Prof. Riefa but will continue to be the main point of contact interacting with member States. Teresa Moreira reaffirmed the WG remains open to all member States representatives and participants from relevant stakeholders.

She recalled that the WGE agreed on the need to focus on fewer topics of common interest for the agenda 2023 -2024. The topics include AI, dark commercial patterns, and consumer vulnerability in e-commerce. Also, the WGE in 2022-2023 agreed to focus on accessible outputs designed to assist less experienced national agencies, such as webinars, short toolkits, or other brief materials.

Professor Riefa chaired the remainder of the meeting in which participants discussed several items.



2. Planning and substantive issues:

Steering committee (SC):

- UNCTAD stressed the importance of the SC and left it to the member States to decide on its continuation. There was support for the continuation of this group.
- New members were invited to join if they wished to do so: Peru volunteered to be part of the SC.
- The UK, Sweden and USA mentioned their interest in remaining members of the committee.

Topics proposed by member States to be discussed in future WG meetings:

Dark commercial patterns

- India prepared a presentation on their updates regarding dark commercial patterns and the use of AI in empowering consumers. It was agreed this should be presented at a dedicated webinar on 7 December 2023.

Vulnerable consumers

- Sweden mentioned vulnerable consumers as a priority and added that the AI approach could include vulnerable consumers.
- Italy proposed the protection of children in digital platforms (parental control tools and Tik Tok) as a priority.
- Nelson Mandela University proposed that the topic can be discussed as standalone or it can be related to others such as AI, dark patterns, and its gender implication.

Artificial Intelligence

- FTC agreed on narrowing the AI approach to the risk presented toward certain consumers and mentioned a recently launched report on discriminatory effects of the use of AI.
- The UK and USA volunteered to share experiences during a webinar. UK shared the following report on the chat: <https://www.gov.uk/government/news/proposed-principles-to-guide-competitive-ai-markets-and-protect-consumers>
- MGP India: proposed to focus on AI and algorithms regulation with the sole intention to protect consumers.

Online reviews

- *Online reviews* were mentioned in the meeting as part of the main agenda.
- The UK and USA volunteered to share experiences during a webinar.

Number of topics in discussion (online reviews, artificial intelligence, vulnerable consumers, and dark patterns). UK proposed narrowing the topics down to two or three. Sweden agreed.

Other topics: USA proposed *scam center and human trafficking* as a new topic for a webinar and suggested contacting UNODC.



Overlaps:

- Due to the broad scope of the topic and the multiplicity of organizations dealing with e-commerce and consumer protection, the need to avoid overlapping was emphasized. (Italy, UK, Sweden)
- Nelson Mandela University: agreed with the proposed core areas and proposed that, with each of these topics, the WGE should maintain awareness of the gender perspective and the impact on vulnerable consumers. Also, to avoid overlapping sub-topics.

Schedule: UK suggested having two time slots and running the same webinar more than once to include different time zones and encourage participation.

Concrete outcomes:

- The UK highlighted the agreement on producing concrete outcomes and encouraged member States to propose and select the topics considering potential outcomes. The UK suggested that one of the topics should have immediate and concrete recommendations while the other selected topic could be for discussion, reflection, and exchange of knowledge.
- FTC suggested a summary/explanatory document of what participating countries are doing in a certain topic and their recommendations. The format could be of a bibliography or a list of existing resources and good practices.

Update on generic e-mail addresses:

The UNCTAD Secretariat updated the WG on the state of the generic e-mail addresses. 21 member States responded to the request that was circulated two times since July 2023. The UNCTAD Secretariat reminded members that Agencies should create the generic email by November 30 and that the master list should be completed by January 2024. The FTC who took the lead in this project explained that the generic email address is designed to ensure continuity and expediency in cross-border collaborations. The Coordinator encouraged all agencies to respond (details enclosed in copy attached to these minutes).

ICPEN 2023 meeting outcome

The Polish Office of Competition and Consumer Protection hosted the 2023 ICPEN meeting from 4 to 6 October in Warsaw.

Discussions included business practices influencing consumer decisions, online AI and consumer protection, empowering responsible consumer choices in the cost-of-living crisis, and empowering consumers to sustainable consumption. The meeting also showcased newer and smaller consumer agencies. Poland also presented an ongoing initiative to review existing ICPEN guides on false reviews for potential update, and a survey to diagnose which issues are faced by ICPEN agencies regarding online reviews and dark patterns. Moreover, Poland introduced a new project to examine the latest developments related to the online market for new financial services and scams, including loans, influencers and crypto currencies. ICPEN will run meetings to raise awareness of dark commercial patterns. ICPEN invited the WGE to identify synergies to work together.



Poland will check whether the final report of the meeting can be shared with the WGE members.

According to the topics presented by ICPEN and to produce realistic outcomes, UK suggested that the WGE could focus on *fake reviews* and/or *agency effectiveness work* (which could be of the interest of less resourced agencies).

UNCTAD Secretariat shared a draft schedule for WGE meetings/webinars 2023-2024:

Dates	Subject
26 October 2023	Discuss areas of work and work plan
7 December 2023	Webinar on
25 January 2024	Webinar on
29 February 2024	Webinar on
11 April 2024	Webinar on
23 May 2024	Discussion of the WGE reporting to the IGE 2024

Closing

The WGE Coordinator noted the main points discussed, notably the need to streamline areas of focus and activity as well as making sure the ideas and topic areas put forward found a place in the working programme of the WGE. She agreed and emphasized the real need to avoid overlapping with other organizations and to provide added value for the members while exploring concrete outputs such as a compilation of best practices. After meeting with the Steering group (in the coming weeks) a formalized working plan will be circulated to members. In the meantime, all members are invited to get in touch with the Secretariat to express their preferences of work areas, share needs, as well as volunteer contributions to the work of the WGE. The session closed thanking all participants for their contributions.